

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER (I) CLARIFYING THAT THE STAY DOES NOT APPLY TO THE WHITE
AND DAVIS CASE AND (II) MODIFYING THE STAY WITH RESPECT TO CERTAIN
ELECTION-RELATED LAWSUITS**

This matter came before the Court by Petitioners Robert Davis' and Desmond M. White's ("Plaintiffs") Emergency Motion for Clarification of the Court's July 25, 2013 Stay Order and Relief from Stay ("Motion") [Dkt. #1120]; the parties have reached an agreement to address the issues raised in the Motion as provided for in this Order; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED with respect to Plaintiffs' Emergency Complaint for Writ of Mandamus, Declaratory Judgment, and Injunctive Relief, Case No. 13-013071-AW, which is pending before Judge Fresard in the 3rd Circuit Court for the County of Wayne, State of Michigan ("State Court Case"), the stays under §§ 362 and 922 (a) and the Order Pursuant to Section 105 (a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B)

Non Officer Employees and (C) Agents and Representatives of the Debtors do not apply, and (i) the State Court Case may proceed to its conclusion, including any appeals, (ii) the implementation of any ultimate ruling may proceed, so long as the Detroit City Clerk, the Detroit Election Commission and its members and the City are not subject to any damages or penalties or other monetary sanctions, costs or attorneys' fees. Plaintiffs may not seek to recover any amounts from the Detroit City Clerk, the Detroit Election Commission or the City for damages or penalties or other monetary sanctions, costs or attorneys' fees. The City will correct any election irregularities if so ordered in the State Court Case, even if it means having to spend funds;

IT IS FURTHER ORDERED, with respect to lawsuits (i) related solely to the November 5, 2013 general election ("General Election") and not to other unrelated matters (ii) that are filed on or before the date of the General Election, and (iii) are filed in compliance with the procedures promulgated by the Michigan Supreme Court and the 3rd Circuit Court ("Election-Related Lawsuits"), the City agrees to a modification of the stay to permit (a) the Election-Related Lawsuits to proceed in their ordinary course including any appeals, (b) the Circuit Court (or other court having jurisdiction over the matter) to rule on the Election-Related Lawsuits and (c) the implementation of any ruling, so long as the Detroit City Clerk, the Detroit Election Commission and its members and the City are not

subject to the collection of damages or penalties or other monetary sanctions, costs

or attorneys' fees. The City will correct any election irregularities if so ordered in an Election-Related Lawsuit, even if it means having to spend funds;

IT IS FURTHER ORDERED, that collection actions arising from the State Court Case or Election-Related Lawsuits against the Detroit City Clerk, the Detroit Election Commission and its members and the City may be liquidated, but shall remain stayed;

IT IS FURTHER ORDERED, that no other relief is granted.

Signed on October 11, 2013

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge